

Chapter 15.55

AIRPORT SAFETY OVERLAY (ASO) DISTRICT

Sections:

15.55.010	Purpose.
15.55.020	Application of Airport Safety Overlay provisions.
15.55.030	Type I permitted uses.
15.55.040	Type II administrative & Type III conditional uses.
15.55.050	Application requirements.
15.55.060	Height limitations and additional requirements.
15.55.070	Special provisions for new airports, heliports and landing fields.

15.55.010 Purpose. The Airport Safety Overlay is intended to protect the airspace around state and federal system airports from airspace obstructions or hazards and incompatible land uses in proximity to the Yakima Air Terminal at McAllister Field and the Sunnyside Municipal Airport, or other public airport with defined airspace per Federal Aviation Regulations (FAR, Part 77).

15.55.020 Application of Airport Safety Overlay provisions.

- (1) All zoning districts lying within the airport safety overlay are subject to the requirements of this overlay, except as may be otherwise stated herein.
- (2) The Airport Safety Overlay (ASO) contains those areas defined by Federal Aviation Regulations (FAR Part 77) as imaginary surfaces and the Runway Protection Zone(s) as illustrated on the Airport Layout Plan (ALP) and zoning map, and comprised of two parts:
 - (a) The primary airport safety area addresses land use compatibility with airport operations and structure height. It is located in an area bounded by the limits of the Runway conical surface area; and the FAA defined approach and transitional surfaces within the conical surface area; and,
 - (b) The secondary airport safety overlay principally addresses structure height, particularly where a structure may constitute a potentially incompatible land use as defined in 15.08.070. It is bounded by the exterior of the conical surface area and the approach and transitional approach surfaces extending beyond the conical surface.

15.55.30 Type 1 permitted uses.

- (1) The uses listed as Type I permitted uses within the underlying zoning district, shall be subject to the height restrictions listed in Sections 15.55.060, or 15.20.045, whichever is the more restrictive. No separate application for a Type I permitted use in the airport overlay is required, provided the Reviewing Official can conclusively determine that the proposed

structure or use:

- (a) Does not constitute a potentially incompatible land use as defined in 15.08.070(7); and,
- (b) Will be 35 feet or less in height or will not penetrate the approach, transitional, horizontal, or conical surface zones of the airport for any existing or planned approaches as defined by FAR, Part 77 and 15.55.025; and,
- (c) Is not within a designated runway protection area or an identified future 65 DNL aircraft noise impacted area within an airport master plan or a FAA approved airport - layout plan. Such structures and uses shall in any case be subject

to the limitation of Section 15.55.060 and to the recording of an aviation easement.

- (2) Type I uses shall be subject to a Type II application and the review procedures pursuant to Section 15.55.050 where the use is a potentially incompatible land use, as defined in 15.08.070(7), or where the Reviewing Official cannot make a conclusive determination as required in subsection (1) through issuance of a certificate of zoning review.

15.55.040 Type II administrative & Type III conditional uses.

- (1) The uses listed as Type II administrative and Type III conditional uses within the underlying zoning district are subject to:
 - (a) The height restrictions listed in Sections 15.55.060 and 15.20.045, whichever are the more restrictive;
 - (b) The provisions of Chapter 15.60 and any other review criteria for the use required by the underlying zoning district; and,
 - (c) A determination that the use can be appropriately conditioned to mitigate noise impacts and other airport safety concerns.
- (2) Where an airspace hazard has been determined to exist by the Reviewing official, the FAA determination on obstructions and hazards to air navigation shall be balanced with special consideration for unique characteristics of local terrain, reporting points for pilots using VFR, airport operations, and development patterns.

15-55-050 Application requirements.

- (1) An applicant proposing a use for which an application is required under this chapter shall submit the following information:
 - (a) Property boundary lines as they relate to the boundaries of the primary and secondary airport safety overlay.
 - (b) Location, elevation, and height of all existing and proposed buildings, structures, utility lines, and trees taller than 35 feet in height.
 - (c) A description of the proposed use.
 - (d) A statement of compatibility from the airport manager when the use is to be located

within the Airport Safety Overlay relative to the impact of the use on airport operations and safety.

- (e) A statement from the Washington Department of Transportation Aviation Division relative to the impact of the use on airport operations and safety.
 - (f) A determination from the FAA relative to the impact of the use on airport operations and safety.
- (2) In consideration of an application for a building, structure, or other use which will exceed 35 feet in height, the Reviewing Official may require the applicant to submit either of the following:
- (a) A certificate from a registered professional engineer or a licensed land surveyor, which clearly states that no airspace obstruction will result from the proposed use.
 - (b) Either or both of the following:
 - (i) The maximum elevations of proposed structures based on the established airport elevation and USGS datum. Elevations shall be determined by a registered professional engineer or a licensed land surveyor, accurate to plus or minus one foot shown as mean sea level elevation or other available survey data. The accuracy of all elevations shall be certified by the engineer or surveyor.
 - (ii) A map of topographic contours with not more than five foot intervals, showing all land within 100 feet of the proposed structure(s) for which the permit is being sought. This map shall also bear the verification of a licensed land surveyor or registered professional engineer.

15.55.060 Height limitations and additional requirements.

- (1) A building, structure, communication tower, use or tree that penetrates any of the FAA designated imaginary surfaces constitutes an obstruction within the ASO overlay. Therefore, the allowable height of any building, structure, communication tower, use or tree within the airport safety overlay shall conform to the following:
 - (a) The ground level elevation above mean sea level plus the height of any building, structure, communication tower, use or tree at its proposed location shall not penetrate any FAR, Part 77 designated imaginary surfaces of an airport.
 - (b) However, structures thirty-five (35) feet or less in height may penetrate the imaginary surfaces when the Reviewing Official, in consultation with Washington State Department of Transportation Aviation Division (WSDOT) or the airport manager, can determine that the structure is not likely to constitute a safety or hazard.
 - (c) The Reviewing Official may require lights or markers as a warning to aircraft on the building, structure, communication tower, use or tree(s), or to top the tree to reduce its height when recommended by the FAA, WSDOT Aviation Division or the airport manager. Lights and markers shall meet FAA specifications.
 - (d) Notwithstanding any other provision of this title, the Reviewing Official shall not approve any building, structure, communication tower, use or tree when the FAA has designated such as a hazard to air navigation.
- (2) Whenever the height limitations of this section differ from those of any

other section of this ordinance, or that adopted by another local ordinance or regulation, the more restrictive limitation shall apply.

- (3) No use or activity shall take place within the airport safety overlay in such a manner as to: make it difficult for pilots to distinguish between airport lights and others; create electrical interference with navigational signals or radio communication between the airport and aircraft; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create birds-strike hazards; or otherwise create a hazard which may in any way endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- (4) The regulations prescribed by this chapter shall not be construed to require a property owner to remove, lower, or make changes or alterations to any structure which legally existed prior to the effective date of this ordinance, except as may be compelled by state or federal regulation. However, such structures shall be considered nonconforming if such structure is in conflict with these regulations.
- (5) An aviation easement and deed declaration, which recognizes the preexistence of the airport and the right of over flight, shall be recorded for all uses within the approach and transitional surfaces of the conical surface area.

15-55.070 Special provisions for new airports, heliports and landing fields.

All new airports, heliports, or landing fields shall be designed so that the incidence of aircraft passing in the vicinity of preexisting dwelling or places of public assembly is minimized. They shall be located so that air traffic shall not generate more than 55DNL as measured at the property line or be located in close proximity to incompatible land uses as defined in this chapter.

The proponents shall show that adequate controls or measures will be taken to reduce noise levels, vibrations, dust, or bright lights, as required by federal, State and County regulations.